IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2754 OF 2005

Ms. Yevonne John Gonsalves and another ...

Petitioners

Versus

The Municipal Corporation of Greater Mumbai and others. ...
Respondents

Mr. S.H. Aney, Senior Advocate, along with Mrs. M.H. Doshi, instructed by Mrs. N.V. Sanglikar for the petitioners.

Mr. D.H. Mehta with Mrs. P.A. Purandare for respondent Nos. 1 to 3.

Mr. K.R. Belosey, Government Pleader, for respondent Nos. 4 to 7.

Mr. Mahendra Gehani, instructed by M/s. Law Charter, for respondent No.10.

Mr. P.K. Samdani, Senior Advocate, instructed by M/s. P.K. Shroff & Company, for respondent No.12.

Mr. K.J. Hakani for respondent No.14.

Mrs. Divya Shah, instructed by M/s. Divya Shah & Co., for respondent No. 16.

Mr. N.S. Patel, instructed by M/s. N.S. Patel & Company, for respondent No. 20.

CORAM: **J.N. PATEL, Ag. C.J.,** &
S.C. DHARMADHIKARI, J.

DATE: **MARCH 13, 2007**.

P.C.

Mr. Aney, the learned Senior Advocate appearing for the petitioners, submits that as the petitioners have already approached the Civil Court in the matter of seeking a declaration in respect of the property which is the subject matter of the petition by filing Civil Suit No. 2677 of 2005 on the Original Side of this Court, they may be permitted to withdraw the petition with liberty to raise all the issues which are being raised before this Court in the writ petition by carrying out suitable amendment.

2. We, therefore, permit the petitioners to withdraw the petition with liberty as sought, without deciding any contentions and issues raised by the petitioner before this Court, and with further liberty to prosecute the suit by incorporating the reliefs which are sought in this petition. Ordered accordingly.

ACTING CHIEF JUSTICE

S.C. DHARMADHIKARI, J.